

REFERENCE TITLE: internet sex offender website; offenses

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1583**

Introduced by  
Senators Kerr: Shamp

AN ACT

AMENDING SECTION 13-3827, ARIZONA REVISED STATUTES; RELATING TO  
REGISTRATION OF SEX OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3827, Arizona Revised Statutes, is amended to  
3 read:

4 13-3827. Internet sex offender website; investigation of  
5 records; immunity; exception; definition

6 A. The department of public safety shall establish and maintain an  
7 internet sex offender website for the purpose of providing sex offender  
8 information to the public. The internet sex offender website shall  
9 include the following offenders:

10 1. Any offender whose risk assessment has been determined to be a  
11 level two or level three.

12 2. Unless included under paragraph 1 of this subsection, any  
13 offender who was convicted of or adjudicated guilty except insane for any  
14 of the following ~~completed~~ offenses, **WHETHER COMPLETED OR PREPARATORY**, or  
15 the same or a substantially similar offense in another state or  
16 jurisdiction:

17 (a) Sexual assault pursuant to section 13-1406.

18 (b) Sexual exploitation of a minor pursuant to section 13-3553 if  
19 the offender is at least twenty-one years of age and is sentenced pursuant  
20 to section 13-705.

21 (c) Commercial sexual exploitation of a minor pursuant to section  
22 13-3552.

23 (d) Sexual abuse pursuant to section 13-1404 if the ~~victim is under~~  
24 ~~twelve years of age~~ **OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705.**

25 (e) Molestation of a child pursuant to section 13-1410 if the  
26 ~~victim is under twelve years of age~~ **OFFENDER IS SENTENCED PURSUANT TO**  
27 **SECTION 13-705.**

28 (f) Sexual conduct with a minor pursuant to section 13-1405 if the  
29 ~~victim is under twelve years of age~~ **OFFENDER IS SENTENCED PURSUANT TO**  
30 **SECTION 13-705.**

31 (g) Child prostitution pursuant to section 13-3212, subsection A or  
32 subsection B, paragraph 1 or 2 committed before August 9, 2017.

33 (h) Child sex trafficking pursuant to section 13-3212, subsection  
34 ~~A, paragraph 1, 2, 3, 4, 5, 6, 7 or 8~~ **COMMITTED ON OR AFTER AUGUST 9, 2017**  
35 **IF THE OFFENDER IS SENTENCED PURSUANT TO SECTION 13-705** or **SECTION**  
36 **13-3212**, subsection B, paragraph 1 or 2 committed on or after August 9,  
37 2017.

38 (i) Taking a child for the purpose of prostitution pursuant to  
39 section 13-3206 if the ~~victim is under twelve years of age~~ **OFFENDER IS**  
40 **SENTENCED PURSUANT TO SECTION 13-705.**

41 (j) Luring a minor for sexual exploitation pursuant to section  
42 13-3554 if the ~~victim is under twelve years of age~~ **OFFENDER IS SENTENCED**  
43 **PURSUANT TO SECTION 13-705.**

1 (k) Aggravated luring a minor for sexual exploitation pursuant to  
2 section 13-3560 if the ~~victim is under twelve years of age~~ OFFENDER IS  
3 SENTENCED PURSUANT TO SECTION 13-705.

4 (l) Continuous sexual abuse of a child pursuant to section 13-1417  
5 if the ~~victim is under twelve years of age~~ OFFENDER IS SENTENCED PURSUANT  
6 TO SECTION 13-705.

7 B. The internet sex offender website shall include the following  
8 information for each convicted or adjudicated guilty except insane sex  
9 offender in this state who is required to register pursuant to section  
10 13-3821:

11 1. The offender's name, address and age.

12 2. A current photograph.

13 3. The offense committed and notification level pursuant to section  
14 13-3825, subsection C, if a risk assessment has been completed pursuant to  
15 section 13-3825.

16 C. The department of public safety shall annually update on the  
17 website the name, address and photograph of each sex offender.

18 D. The department of public safety shall maintain a separate  
19 database and search function on the website that contains any required  
20 online identifier of sex offenders whose risk assessments have been  
21 determined to be a level two or level three and the name of any website or  
22 internet communication service where the required online identifier is  
23 being used. This information shall not be publicly connected to the name,  
24 address and photograph of a registered sex offender on the website.

25 E. The department of public safety may disseminate a registered sex  
26 offender's required online identifier and the name of any corresponding  
27 website or internet communication service to a business or organization  
28 that offers electronic communication services for comparison with  
29 information that is held by the requesting business or organization. The  
30 requesting business or organization shall notify the department of public  
31 safety when a comparison of the information indicates that a registered  
32 sex offender's required online identifier is being used on the business's  
33 or organization's system. The requesting business or organization shall  
34 not further disseminate that the person is a registered sex offender.

35 F. The motor vehicle division of the department of transportation  
36 shall send copies of each sex offender's nonoperating identification  
37 license or driver license photograph to the department of public safety  
38 for inclusion on the sex offender website.

39 G. The department of public safety shall annually verify the  
40 addresses of all sex offender registration records contained within the  
41 Arizona criminal justice information system. Before including the address  
42 of a sex offender on the website, the department of public safety shall  
43 confirm that the address is correct. To confirm a sex offender's address,  
44 the department shall conduct a search of the Arizona criminal justice  
45 information system. If this search does not provide the necessary

1 confirmation, the department shall use alternative public and private  
2 sector resources that are currently used for criminal investigation  
3 purposes to confirm the address. The department of public safety is  
4 prohibited from using or releasing the information from the alternative  
5 public and private sector resources except pursuant to this section. A  
6 custodian or public or private sector resource that releases information  
7 pursuant to this subsection is not civilly or criminally liable in any  
8 action alleging a violation of confidentiality.

9 H. The department of public safety may petition the superior court  
10 for enforcement of subsection G of this section if a public or private  
11 sector resource refuses to comply. The court shall grant enforcement if  
12 the department has reasonable grounds to believe the records sought to be  
13 inspected are relevant to confirming the identity and address of a sex  
14 offender.

15 I. Except for a person who is required to register pursuant to  
16 section 13-3821, a person who provides or fails to provide information  
17 required by this section is not civilly or criminally liable unless the  
18 act or omission is wanton or wilful.

19 J. This section does not apply to an offender during any time that  
20 the offender is incarcerated in the state department of corrections.

21 K. For the purpose of this section, "required online identifier":

22 1. Means:

23 (a) Any email address information, instant message or chat  
24 information.

25 (b) A social networking platform account name or identifier.

26 (c) Any identifier used for communicating on a mobile application  
27 or internet website.

28 (d) A mobile telephone number.

29 (e) Any mobile device identification information.

30 (f) Any other similar internet communication name.

31 2. Does not include a social security number, date of birth,  
32 personal password or pin number.

33 Sec. 2. Applicability

34 A. Section 13-3827, Arizona Revised Statutes, as amended by this  
35 act, applies to a person who is convicted of or adjudicated guilty except  
36 insane for an offense that is listed in section 13-3827, subsection A,  
37 Arizona Revised Statutes, as amended by this act, and that was committed  
38 before, on or after the effective date of this act.

39 B. Notwithstanding section 13-3827, Arizona Revised Statutes, as  
40 amended by this act, the department of public safety is not required to  
41 include the name and information of an offender on the internet sex  
42 offender website until January 1, 2024 if the offender was convicted of an  
43 offense listed in section 13-3827, subsection A, paragraph 2, Arizona  
44 Revised Statutes, as amended by this act, before the effective date of  
45 this act.